

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 10, 1973

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Charles Waugaman of South Harpswell.

The journal of yesterday was read and approved.

**Order Out of Order**

Mr. Jackson of Yarmouth presented the following Order and moved its passage:

ORDERED, that Martha Fuller and Stephanie Bowler of Yarmouth be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Due Date for Payment of Inheritance Taxes" (H. P. 15) (L. D. 15) reporting that the Senate recede from its action whereby it indefinitely Postponed the Bill and accompanying papers; Accept the Ought to Pass in New Draft Report of the Committee; Adopt Conference Committee Amendment "A" (S-62) submitted herewith; and Pass the Bill, in New Draft (H. P. 1144) (L. D. 1337) to be Engrossed, as amended by Conference Committee Amendment "A" in non-concurrence; that the House Recede and Concur with the Senate.

(Signed)

WYMAN of Washington

ROBERTS of York

CLIFFORD

of Androscoggin

—Committee on part of Senate.

FINEMORE

of Bridgewater

ROLLINS of Dixfield

KELLEHER of Bangor

—Committee on part of the House.

Came from the Senate Passed to Be Engrossed as Amended by Conference Committee Amendment "A" (S-62)

In the House: On motion of Mr. Susi of Pittsfield, the House voted

to recede and concur with the Senate.

The Report was read and accepted in concurrence.

Conference Committee Amendment "A" (S-62) was read by the Clerk and adopted in concurrence.

The New Draft was passed to be engrossed as amended and sent to the Senate.

From the Senate:

Bill "An Act Relating to the Maine Development Act" (S. P. 536) (L. D. 1756)

Came from the Senate referred to the Committee on State Government.

In the House, the Bill was referred to the Committee on State Government in concurrence.

**Reports of Committees****Leave to Withdraw****Covered by Other Legislation**

Report of the Committee on Appropriations and Financial Affairs reporting Leave to Withdraw as covered by other Legislation on Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Aroostook County" (S. P. 336) (L. D. 1035)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County" (S. P. 365) (L. D. 1079)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass with****Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act to Create a Committee to Study the Needs for Traffic Court System" (S. P. 316) (L. D. 982) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-61) submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-61) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought to Pass" in New Draft (S. P. 567) (L. D. 1698) on Bill "An Act Relating to Definition of Cigarettes under Cigarette Tax Law" (S. P. 220) (L. D. 636)

Report was signed by the following members:

Messrs. WYMAN of Washington  
COX of Penobscot  
FORTIER of Oxford

— of the Senate.

Messrs. COTTRELL of Portland  
DRIGOTAS of Auburn  
MAXWELL of Jay  
DAM of Skowhegan  
IMMONEN of West Paris

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. MORTON of Farmington  
DOW of West Gardiner  
FINEMORE

of Bridgewater

SUSI of Pittsfield

MERRILL

of Bowdoinham

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and tomorrow assigned.)

#### **Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought to Pass on Bill "An Act Increasing Certain Fees of Registers of Deeds" (S. P. 354) (L. D. 1018)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN

of Cumberland

— of the Senate.

Messrs. PERKINS

of South Portland

HENLEY of Norway

McKERNAN of Bangor

Mrs. BAKER of Orrington

Mrs. WHITE of Guilford

Mrs. WHEELER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought not to Pass" on same Bill.

Report was signed by the following members:

Messrs. CARRIER of Westbrook

DUNLEAVY

of Presque Isle

GAUTHIER of Sanford

Mrs. KILROY of Portland

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted in concurrence. The Bill was read once and assigned for second reading tomorrow.

#### **Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions" (S. P. 369) (L. D. 1095)

Report was signed by the following members:

Mr. TANOUS of Penobscot

— of the Senate.

Messrs. HENLEY of Norway

GAUTHIER of Sanford

PERKINS

of South Portland

CARRIER of Westbrook

Mrs. BAKER of Orrington

Mrs. WHITE of Guilford

Mrs. WHEELER of Portland

— of the House.

Minority Report of the same Committee reporting Ought to Pass on same bill.

Report was signed by the following members:

Mr. SPEERS of Kennebec

— of the Senate

Messrs. DUNLEAVY

of Presque Isle

McKERNAN of Bangor

Mrs. KILROY of Portland

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report accepted on April 5th — Indefinitely postponed bill and papers on April 9th.

In the House: Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought not to pass" Report was accepted.

#### **Non-Concurrent Matter**

Bill "An Act Authorizing Piscataquis County to Collect and Dispose of Solid Waste on a Regional Basis" (S. P. 270) (L. D. 795) which was enacted in the House on March 27.

Came from the Senate passed to be engrossed as amended by the Senate Amendment "B" (S-65) in non-concurrence.

In the House: On motion of Mr. Farrington of South China, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Relating to Permanent Compensation for Particular Injuries under the Workmen's Compensation Law" (H. P. 748) (L. D. 961) which was passed to be engrossed in the House on April 4.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Authorizing Legislature to Change Specific Line Categories in the County Estimates" (H. P. 1166) (L. D. 1501) (Emergency). The Minority "Ought Not to Pass" Report accepted in the House on April 4.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-64) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, I move we insist and ask for a Committee of Conference.

The SPEAKER: The Chair would inform the gentleman that the motion to recede and concur of the gentleman from South China, Mr. Farrington, takes priority.

The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: I hope that the House does not recede and concur this morning and that we ask for a Committee of Conference if we can come to that motion.

Thereupon, on motion of Mr. Bragdon of Perham, tabled pending the motion of Mr. Farrington of South China to recede and concur and tomorrow assigned.

#### **Orders**

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, is the House in possession of L. D. 395, An Act Repealing the Mountain Resorts Airport Authority Act?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action whereby this L. D. was referred to the Committee on Public Lands.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby Bill "An Act Repealing the Mountain Resorts Airport Authority Act," House Paper 273, L. D. 395, was referred to the Committee on Public Lands.

The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: We discussed this at length yesterday and we decided, I believe overwhelmingly, that we would send this to Public Lands, so I hope that we will not reconsider our action. Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the

House: Yesterday we did discuss this quite thoroughly and I either didn't reach you people or I didn't say the right thing, because this should have been defeated soundly yesterday or accept the majority, which was an overwhelming majority. The committee felt that you should accept the majority report yesterday, which you didn't.

And I might point out to you further that the Representative from that area, Mr. Dyar, felt very strongly that this bill should be indefinitely postponed. I would like to think that if it was from your area, that I would listen to you, that I would think that your constituents were being served by you and that you should have the final say on legislation that was directly in your area. And I think this should, in many cases, be reciprocal.

Mr. Dyar has been in this House for some time. He has been a very good legislator and re-elected by his people several times, and they have confidence in this man, and we should have some confidence in this man. We should expect him, if we have something in our area, we should expect Mr. Dyar to support our needs in our area, because we are elected by these people in this particular area.

After seeing that this was a majority report of Committee, seeing as this is from Mr. Dyar's area and he feels very strongly that this bill should have been accepted, the majority report, and in my opinion it is pulling the rug out from under a man. Whether it is right or wrong, I don't do business that way and I hope you people don't in private life and I hope you don't do it here.

And so for this reason, I hope you do reconsider and that you do consider Mr. Dyar's wishes, because this is from his district and he is a good legislator and has been re-elected many times. The people in that area have confidence in him and I have confidence in him and I hope you do. And I am sure that if it was for you, he would be reciprocal when it comes to some problem in your area.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I was really perturbed yesterday about the report of this committee. I am on the Legal Affairs Committee and the last I heard of this bill was twelve to one, twelve, "ought not to pass," one, "ought to pass" and then it was tabled for two days in this committee and all of a sudden this bill came out with four signers referring this bill to another committee.

Now as a member of the Legal Affairs Committee, I didn't know one thing that went on about this bill behind the doors. I do not know who got to who and why, but then I find four signatures against the bill. I questioned some other members of the Committee on Legal Affairs and none of them had heard about this move. It could be that I would have gone along with sending this bill to another committee, but because of the way that this bill was handled, I think that it was done underneath the table and I do not like it, and I hope that today we do kill this bill once more.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Once again I address you as the House Chairman of the Public Lands Committee. I would like to start my comments by telling the gentleman from Enfield, Mr. Dudley, that I personally have the greatest respect and the highest respect for the gentleman from Strong, Mr. Dyar. I do not quarrel with the statements that he made on this floor yesterday. In fact, I happen to support his statements and support his position on the bill.

However, as I stated yesterday, you have an option here of referring it to committee or accepting an "ought not to pass" report. We are dealing with public lots that are in that area. We have a bill today, in fact, before the Public Lands Committee which

will be heard for a bond issue to purchase an area for a park in the Bigelow Mountain area. As I said yesterday, all you are doing is really giving it to the Public Lands Committee so that we can put these bills in line, that when they come out, you will still have the same option to vote or not to vote on this particular bill as it comes out. And I will guarantee you it will come out of that committee as a divided report.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I serve on the same committee that Mr. Cote does. Now I must have slept right through, because I didn't hear about it either. And I think that if these things are going to happen and they come out of our committee with just one man signing against this bill, that I do not think it was right either and I think the rug was pulled out from under somebody and somebody got at somebody.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Fecteau.

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: I serve on that committee, too, and I had my idea of signing it "ought not to pass." But I had to be absent the rest of the meeting, so I went home and the next day I met the secretary and for some reason I must have signed the wrong cover because it appeared that way. But I am just like Mr. Cote and Mr. Brawn, I feel that this bill should be defeated.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I am finding this discussion a little bit amusing and just a little bit antagonizing, if I might say so, because I can inform the gentleman from Oakland and the gentleman from Biddeford and the gentleman from Lewiston, that if there is any underhanded doings, it does not happen in the Legal

Affairs Committee and it was certainly not my doing or the Senate chairman's doing or anyone else.

Now we made a decision in committee, a decision that was not taken to anyone else. It wasn't taken to any lobbyist; it wasn't taken to any other members of any other committees. We came to an honest decision that we needed to have some more information before we could pass this bill out "ought to pass," "ought not to pass," or any other report.

Now there were some facts that we do not have in Legal Affairs Committee and the Public Lands Committee does have them. Now I resent being accused on the floor of this House, indirectly, of underhanded dealings. I do not think that this body is the place for that kind of accusation or that kind of activity. I wish that we would address ourselves to the issues at hand here this morning and let's talk about some of the facts relating to this legislation.

First of all, when it goes to the Committee on Public Lands and comes back from the Committee, we will have an opportunity to debate it again on the floor with a lot of facts at our disposal. That is a very capable committee and it is made up of people who have information at their disposal, other pieces of legislation and much more time to work on this matter than we do in Legal Affairs. We have over 200 bills that we have to deal with. In fact, we have been discussing the possibility of giving some of our bills to another committee so that we can get out of there before June. We just don't have the time to go into this in detail as the Public Lands Committee does.

Another thing that we have to consider is this second piece of legislation dealing with the Township of Flagstaff. Now this was not presented to us as a bill, but the two of these things are inextricably intertwined. These two bills depend one upon another for the overall development of that area. Now the Legal Affairs Committee does not have the authority to report out a bill unless it is directed to, but the Public Lands Committee does. Therefore, if action needs

to be taken on this companion legislation that was passed in 1969, so that our actions in this body are consistent, the Public Lands Committee can do this; Legal Affairs Committee cannot. Now for the life of me, I cannot understand why this body is afraid to have all the facts before it so it can make an intelligent decision.

Now I am not so stubborn and I am not so anxious to have my way that I want all the bills in Legal Affairs Committee. And I am ready to admit it when we do not have all the tools at our disposal. And I will also go back a few weeks, in fact probably two months, when we first got the bill. I moved that bill to Legal Affairs after it had been scheduled to Public Lands. I made a mistake and I am here admitting it now. I sent it to the wrong committee; it should have gone to Public Lands in the first place. But I thought at the time that this bill was dealing primarily with an Airport Authority, but it is a much larger picture than that. It has to do with the development of the Bigelow Mountain area. It is an issue of land development, and we are not qualified in Legal Affairs to deal with this properly.

So I would ask you not to be sidetracked by this red herring of an issue of underhanded dealings in the committee. The Senate chairman and myself decided and asked several other members of the committee if they agreed that this bill ought to go to a committee that has the necessary tools, the necessary information, to make a sound judgment on the issue. That is why we reported it out this way. And I can assure anyone in this body that no arms were twisted to sign the report any way opposite to the way they wanted to sign, and the divided report should prove that.

So I hope that you will continue to send this bill to Public Lands Committee and not reconsider.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I simply want to point out, if it is necessary that Bigelow Mountain and its surrounding

area is one of the most priceless jewels remaining in Maine's crown, and I think we should be very deliberate and give this bill a hearing before the Public Lands Committee before we make the ultimate decision as to what we shall do with it.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: We debated this obviously yesterday at great length. I did not get involved. I thought that we had made the decision and that was going to be it. But I am concerned this morning after taking a look at both the legislation that was passed in 1969, which deals with this issue, and perhaps some of you ought to be too. Keep in mind that when we created the Mountain Resorts Airport Authority Act, we did so with the assumption that we were going to have some sort of Olympics here in this state, that we were going to somehow make money from.

I would just like you to take a look at what the bill calls for, and this has nothing to do with whether we are for an airport being constructed in the area or not. But it says the authority may provide for the replacement of bonds that shall become mutilated or shall be destroyed or lost.

Bonds may be issued under this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of this state, and without any other proceedings or the happenings of any other conditions, or things in those preceding conditions or things which are specifically provided for under this chapter. In other words, when we passed this legislation, whether we liked it or not, we gave this authority a carte blanche effect.

Now I voted for this authority. I hate to admit it on the floor of this House today after reading this particular section, after getting the law and taking a look what authority we gave up. There is not anyone else in this state that has that capability, that they automatically can do what they want to. Granted, we may be trying to



do that on some of the legislation we have before us, but you know, to my knowledge, no one has this power today under state law and you ought to take a look at the other section under the authority in relationship to taxes. The exercises granted by the powers of this chapter, it will be in all respects for the benefit of the people of this state and for the improvement of their economic welfare and for projects as structured under this chapter constitute public property, the authority shall not be required to pay any taxes or assessments upon any of its property or any project or any part thereof or upon the income therefrom or any bonds issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof shall at all times be free from taxation within this state.

We need to study this. I don't care whether it is Public Lands that studies it or Legal Affairs or Judiciary, but someone in this legislature ought to take a look at that. And if we decide that we are going to let them do this to us, then we are in one heck of a mess.

So. Mr. Speaker. I would hope that we would not reconsider and that we let it go to Public Lands so that we can take a look at what the story is and what the story ought to be.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Rockland, Mr. Emery, said that anything illegal did not happen in the Legal Affairs Committee. Now, this is just what Mr. Cote and the other gentleman and myself are saying, that we didn't know anything about it.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: If the Minority Leader would check into some other state legislation, he might find out that this Airport Authority Bill and the Maine Turn-

pike Authority Bill are exactly the same. The Maine Turnpike Authority has the same provisions in it.

I am sort of unhappy that the Legal Affairs Committee chairman doesn't think his committee is qualified to pass on a bill like this. We did have a very fine hearing on it. It was well attended and I think we have one of the best committees in the House.

I also think that probably Legal Affairs Committee has more information on some phases of this than some of the other committees do. And with all the new bills we have got coming in, I don't think it is necessary really to send this bill to another committee to come out with a report somebody doesn't like and have a hearing and then go to a third committee and have another hearing on it until somebody gets what they want. I think we should kill this right now.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to thank the gentleman for the kind words here this morning. There is some sunlight in the bill that the gentleman from Eagle Lake, Mr. Martin, did not comment on. That is section 7055 on payment of bonds, "Revenue bonds issued under this chapter shall not be deemed to constitute a debt of the State of Maine or a pledge of the credit of the state." I think here alone this has some value, because I think right now we are paying off a lot of bills for organizations that we did give state backing.

I am sorry that the committee did not take the time to contact the gentleman from Solon, Mr. Faucher, or myself. Both of us represent the district involved. I am sure in five minutes we could answer many of their questions.

The prime area for this airport is not Flagstaff Lake, it is Coplin Plantation, west of Stratton-Eustis. This area is now a plantation. There is a petition being drawn up at the present time hopefully trying to introduce legislation at

this session to incorporate Coplin as an organized town.

At the present time there is a public lot in Coplin and Langtown. As far as the issue pertaining to public lots is concerned, if there is a red herring, this is it. Being familiar with the area, I have seen very few red herring caught up there. It is mostly brook trout and salmon, and I hope it remains that way.

I hope this morning that you will vote to reconsider this and then we can vote to accept the "ought not to pass" report. What information could be given before the Public Lands Commission I am sure could be very embarrassing. I do not think this is an argument for the people. This is a corporate argument.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I have been listening with a great deal of interest to the debate this morning on this bill. I don't have any particular scruples against reviewing actions of previous legislatures in the way this bill appears to do.

I think if anything has convinced me that I voted right yesterday, it is the remarks just made by the gentleman, Mr. Dyar. I think he points out that this complete area is in a somewhat unknown period of construction — development, if you would. I certainly am not — after his remarks, I am not about to change my vote of yesterday. I see no harm in sending this to another committee where they will take another look at it and in the light of all of this development, I would say, I think then I can still make my decision as to how I wish to vote after I have heard the opinions of both committees.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not against sending this bill to another committee. I just don't like the unethical way it was done.

The gentleman from Rockland, Mr. Emery, has stated that he

and the other chairman made the decision, and I don't think that is right. It should have been brought up in front of the entire committee and we could have made up our own minds. I don't like the chairman of any committee making up my mind for me.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action of yesterday whereby it accepted the Minority Report of the Committee on Legal Affairs, that this Bill "An Act Repealing the Mountain Resorts Airport Authority Act," L. D. 395, be referred to the Committee on Public Lands. The Chair will order a vote. All in favor of reconsideration will vote yes; all opposed will vote no.

A vote of the House was taken. 48 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair would announce that the policy of the Chair in the future as to voting will be to let any member vote up until the time that the vote is announced by the Chair. From henceforth we will do that.

At this point, the Speaker appointed the following House member to the Committee on Marine Resources:

Mr. WEBBER of Belfast

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, is the House in the possession of L. D. 152?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act Relating to Possession of Deer Lawfully Killed," House Paper 128, L. D. 152.

Mr. DESHAIES: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and when the vote is taken I request the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that the House re-

consider its action of yesterday whereby this Bill was indefinitely postponed.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we defeated this bill, and I still won't change my mind. This bill, the way it is written, it is the first time since I have been here — and this is my fifth term in this House — this is the first time I ever saw a bill, ever read a bill, ever discussed a bill, that requires a man to prove that he is innocent. It has always been the other way around. He is innocent until proven guilty. But this bill is just the opposite. I defy anyone to read it any differently. It says that "he must prove." I think this is a bad bill and I hope you will vote against reconsideration.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that the House reconsider its action of yesterday whereby this Bill was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Binnette, Bunker, Cameron, Carrier, Cottrell, Dow, Good, Kelley, R. P.; Mills, Parks, Tyndale, Walker.

NAYS — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bustin, Carey, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cressy, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.;

Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Keyte, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Susi, Tanguay, Theriault, Tierney, Trask, Trumbull, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Boudreau, Carter, Connolly, Faucher, Gauthier, Hancock, Hodgdon, Kilroy, Knight, MacLeod, Norris, Perkins, Santoro, Sheltra, Talbot, Webber.

Yes, 12; No, 121; Absent, 17.

The SPEAKER: Twelve having voted in the affirmative and one hundred twenty-one having voted in the negative, with seventeen being absent, the motion to reconsider does not prevail.

#### House Reports of Committees

##### Leave to Withdraw

##### Covered by Other Legislation

Mr. Sproul from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds to Supplement Needs of Disabled Children," (H. P. 634) (L. D. 848) reporting Leave to Withdraw as Covered by Other Legislation.

Mr. Sproul from the Committee on Appropriations & Financial Affairs on Bill "An Act Appropriating Funds to Continue Service to Blind and Visually Handicapped Children" (H. P. 674) (L. D. 881) reporting Leave to Withdraw as Covered by Other Legislation.

Reports were read and accepted and sent up for concurrence.

### Ought to Pass in New Draft New Draft Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for a Study of Bicycle Traffic" (H. P. 969) (L. D. 1276) reporting "Ought to Pass" in New Draft (H. P. 1425) (L. D. 1763)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

### Ought to Pass with Committee Amendment

Mr. Norris from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Salary of Court Reporters" (H. P. 328) (L. D. 446) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189) submitted therewith.

Mr. Bither from the Committee on Education on Bill "An Act to Establish a Cooperative Education Support Program" (H. P. 1101) (L. D. 1437) reporting "Ought to pass" as amended by Committee Amendment "A" (H-192) submitted therewith.

Mr. Gahagan from same Committee on Bill "An Act Providing for Marine Resource Education by Department of Sea and Shore Fisheries" (H. P. 1127) (L. D. 1462) reporting "Ought to pass" as amended by Committee Amendment "A" (H-193) submitted therewith.

Mr. Shute from the Committee on Legal Affairs on Bill "An Act to Amend the Act Creating the Eastport Public Landing Authority" (Emergency) (H. P. 421) (L. D. 570) reporting "Ought to pass" as amended by Committee Amendment "A" (H-190) submitted therewith.

Mr. Brawn from the same Committee on Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Lot in Codyville, Washington County, to Clarify Title (H. P. 988) (L. D. 1308) reporting "Ought to pass" as amended by Committee Amendment "A" (H-191) submitted therewith.

Reports were read and accepted and the Bills and Resolve read once.

Committee Amendment "A" to each was read by the Clerk and adopted and tomorrow assigned for second reading of the Bills and Resolve.

### Divided Report

Majority Report of the Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" on Resolve Designating Lewiston-Auburn Bridge as "Louis Jalbert Bridge." (H. P. 366) (L. D. 481)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset  
SHUTE of Franklin

— of the Senate.

Messrs. McNALLY of Ellsworth  
KEYTE of Dexter  
STROUT of Corinth  
WEBBER of Belfast

Mrs. BERRY of Madison  
FRASER of Mexico  
WOOD of Brooks

Mrs. McCORMICK of Union  
DUNN of Poland

— of the House.

Minority Report of the same Committee reporting "Ought not to pass" on same resolve.

Report was signed by the following member:

Mr. GREELEY of Waldo

— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House. I notice that there is a committee amendment under filing H-196 — it is a committee amendment. Has that been attached? Did the voters for the bill vote for that amendment?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question to any member of the House through the Chair, who may answer it if he or she wishes.

The SPEAKER: The Chair recognizes the gentleman from Brooks' Mr. Wood.

Mr. WOOD: Mr. Speaker and Ladies and Gentlemen of the House: I think the bill reads as

amended by Committee Amendment "A." And that committee amendment only puts in the word "Memorial" where it was left out in the bill, and it changes the bill so there is no expense to the same.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: There is no one individual that did as much work for the third bridge in Lewiston as Representative Jalbert. He was very influential in getting it through this legislature. Then to assure the approval of the voters in referendum, he made at least two complete tours of the state. He wore himself out and he ended up for two weeks in what he calls his third home, a Lewiston hospital.

When I heard of the bill I was very much in favor of it, but I did not think the name Louie Jalbert Bridge was dignified enough. I suggested to some members of the committee that they call it the Louis Jalbert Memorial Bridge. Some questioned as to whether Memorial was suitable for a person unless he was dead. Mr. Jalbert is far from dead; in fact, he is too much alive for some persons. But the dictionary defines memorial as something to preserve the memory of a person and that which commemorates and honors a person for exceptional works and deeds. And just yesterday we enacted a law for the Sawyer Memorial Bridge, and he also is alive. So memorial, I think, is more dignified and fitting, and I certainly favor the committee report.

Thereupon, the Report was accepted and the Resolve read once.

Committee Amendment "A" (H-196) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-194) on Bill "An Act Relating to Fire Protection Requirements in Construction of Certain Buildings" (H. P. 493) (L. D. 647)

Report was signed by the following members:

Messrs. ROBERTS of York  
ALDRICH of Oxford  
JOLY of Kennebec  
—of the Senate  
Messrs. FECTEAU of Biddeford  
EMERY of Rockland  
SHUTE  
of Stockton Springs  
SHAW of Chelsea  
COTE of Lewiston  
CAREY of Waterville  
CONNOLLY of Portland  
—of the House.

Minority Report of the same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following Members:

Messrs. FAUCHER of Solon  
DUDLEY of Enfield  
BRAWN of Oakland  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I move the "Ought to pass" Report and assure the House there has been no duplicity in signing the report.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-194) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Relating to Conveyance of Secondary Pupils" (H. P. 633) (L. D. 847)

Report was signed by the following members:

Mr. KATZ of Kennebec  
—of the Senate.

Messrs. LYNCH  
of Livermore Falls  
LaCHARITE  
of Brunswick  
LeBLANC of Van Buren  
MURRAY of Bangor  
LAWRY of Fairfield  
FERRIS of Waterville

GAHAGAN of Caribou  
TYNDALE

of Kennebunkport  
— of the House.

Minority Report of the same  
Committee reporting "Ought not  
to pass" on same Bill.

Report was signed by the fol-  
lowing members:

Messrs. OLFENE of Androscoggin  
MINKOWSKY

of Androscoggin  
—of the Senate.

Messrs. BITHER of Houlton

Mrs. LEWIS of Auburn

—of the House.

Reports were read.

On motion of Mr. Tyndale of  
Kennebunkport, the Majority  
"Ought to pass" Report was ac-  
cepted, the Bill read once and  
assigned for second reading tomor-  
row.

#### Divided Report

Majority Report of the Commit-  
tee on Agriculture reporting  
"Ought to pass" with Committee  
Amendment on Bill "An Act Au-  
thorizing Games of Chance at Agri-  
cultural Fairs" (H. P. 714) (L. D.  
920)

Report was signed by the follow-  
ing members:

Messrs. PEABODY of Aroostook  
CYR of Aroostook

—of the Senate.

Messrs. PRATT of Parsonsfield

HUNTER of Benton

ALBERT of Limestone

MAHANY of Easton

EVANS of Freedom

COONEY of Sabattus

MORIN of Fort Kent

—of the House

Minority Report of the same  
Committee reporting "Ought not  
to pass" on same Bill.

Report was signed by the fol-  
lowing members:

Messrs. HICHENS of York

ROLLINS of Dixfield

—of the House.

Reports were read.

On motion of Mr. Evans of Free-  
dom, the Majority "Ought to pass"  
Report was accepted and the Bill  
read once.

Committee Amendment "A" (H-  
195) was read by the Clerk and  
the Bill assigned for second read-  
ing tomorrow.

#### Consent Calendar

##### First Day

(H. P. 438) (L. D. 587) Bill, "An  
Act Relating to Powers of Ogun-  
quit Village Corporation" — Com-  
mittee on Legal Affairs reporting  
"Ought to pass" as amended by  
Committee Amendment "A" (H-  
187)

(H. P. 351) (L. D. 466) Bill, "An  
Act Prohibiting Hunting, Trapping  
and Fishing on Indian Lands by  
Non-Indians" — Committee on  
Fisheries and Wildlife reporting  
"Ought to pass" as amended by  
Committee Amendment "A" (H-  
186)

(H. P. 986) (L. D. 1306) Bill, "An  
Act Prohibiting Bringing Animals  
Into Food Stores" — Committee  
on Legal Affairs reporting "Ought  
to pass" as amended by Commit-  
tee Amendment "A" (H-188)

(S. P. 300) (L. D. 949) Bill, "An  
Act Relating to Fees of Bail Com-  
missioners" — Committee on Ju-  
diciary reporting "Ought to pass"

(S. P. 352) (L. D. 1017) Bill, "An  
Act Authorizing File of Abstracts  
in Registry of Deeds in Guardian-  
ship, Conservatorship and Intes-  
tate Estates" — Committee on  
Judiciary reporting "Ought to  
pass"

(S. P. 164) (L. D. 419) Bill "An  
Act Creating the Maine Veterans  
Small Business Loan Authority  
Board and Establishing a Mort-  
gage Insurance Fund" (Emer-  
gency) — Committee on Appropria-  
tions and Financial Affairs re-  
porting "Ought to Pass" as  
amended by Committee Amend-  
ment "A" (S-60)

No objection having been noted,  
were assigned to the Consent Cal-  
endar's Second Day list.

#### Consent Calendar

##### Second Day

(H. P. 57) (L. D. 67) Resolve  
Providing Retirement Benefits Un-  
der the State Retirement Law for  
Earl A. Haines of Brunswick  
(Emergency)

(H. P. 144) (L. D. 177) Bill "An  
Act to Clarify the Maine Litter Con-  
trol Act" (C. "A" H-173)

(H. P. 195) (L. D. 268) Bill "An  
Act Relating to Penalty for Reck-  
less Driving" (C. "A" H-174)

(H. P. 465) (L. D. 613) Bill "An Act to Require Safety Glazing in Hazardous Locations" (C. "A" H-175)

(H. P. 541) (L. D. 723) Bill "An Act Exempting Beehives from the Personal Property Tax"

(H. P. 547) (L. D. 728) Bill "An Act Relating to Use of Unofficial Certificates of Motor Vehicle Inspection"

(H. P. 614) (L. D. 812) Bill "An Act Relating to Adoption of Persons into the Penobscot Tribe of Indians"

(H. P. 777) (L. D. 1009) Bill "An Act to Authorize Portland Renewal Authority to Provide Relocation Assistance to Other Governmental Agencies"

(H. P. 898) (L. D. 1186) Bill "An Act Reducing Tax on Pari-Mutuel Pools" (Emergency)

(H. P. 911) (L. D. 1200) Bill "An Act Relating to Wage Data for Preference to Maine Workmen and Contractors"

(H. P. 927) (L. D. 1225) Bill "An Act Establishing a State Tuition Equalization Funds for Maine Students Attending Maine Private Institutions of Higher Education" (C. "A" H-176)

(H. P. 956) (L. D. 1266) Bill "An Act Providing Funds for Psychiatric Aids at Pineland Hospital and Training Center" (C. "A" H-177)

(S. P. 428) (L. D. 1298) Resolve to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta State Airport.

(H. P. 987) (L. D. 1307) Bill "An Act Changing Name of Maine Association of Real Estate Boards"

(H. P. 1015) (L. D. 1334) Resolve in Favor of George W. Mitchell of Peter Dana Township for Personal Injuries.

(H. P. 1062) (L. D. 1386) Bill "An Act Increasing Inheritance Exemption for a Surviving Spouse and Children" (C. "A" H-178)

(H. P. 1094) (L. D. 1431) Resolve Providing Funds for Saco Valley Association for Retarded Children.

(H. P. 1168) (L. D. 1503) Bill "An Act Regulating Airmobiles" (C. "A" H-179)

(H. P. 1175) (L. D. 1512) Bill "An Act Validating a Community School District Consisting of the Towns of Crystal, Dyer Brook,

Island Falls, Merrill, Oakfield and Smyrna" (Emergency)

(H. P. 1176) (L. D. 1513) Bill "An Act Relating to Bids and Contracts in School Administrative Districts"

(H. P. 1202) (L. D. 1540) Bill "An Act Repealing License Fee for Sporting Camps"

(H. P. 1423) (L. D. 1747) Bill "An Act to Raise the Classification of Certain Surface Waters in the Town of Scarborough"

No objections having been noted, were passed to be engrossed and sent to the Senate.

#### **Passed to Be Engrossed**

Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (L. D. 279) (H-170)

Bill "An Act Relating to Pollution Control Costs on Construction Projects" (S. P. 301) (L. D. 950)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

#### **Second Reader**

##### **Tabled and Assigned**

Bill "An Act Relating to the University of Maine Treasurer's Report (H. P. 910) (L. D. 1198)

Was reported by the Committee on Bills in the Second Reading, and read the second time,

(On motion of Mr. Ault of Wayne, tabled pending passage to be engrossed and tomorrow assigned.)

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I would like to inquire of the Speaker about item 19. I just noticed this is an emergency item. Should that have been handled any different than we did handle it?

The SPEAKER: The Chair would inform the gentleman that apparently it was a unanimous Ought Not to Pass report out of committee and would be handled in the way it was handled.

#### **Passed to Be Enacted Emergency Measure**

An Act Relating to Tuitional Equalization Fund for Maine Students Entering Maine Private Colleges (H. P. 1017) (L. D. 1336)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure Tabled and Assigned**

An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority (S. P. 434) (L. D. 1339)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: May I inquire through the Chair from someone who can tell me if this law of extending the liability of the Housing Authority from 20 million to 100 million involves the credit of the state in so far as underwriting it is concerned?

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question to the Chair to anyone who may answer it if he wishes.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The other day I had this bill set aside for that very one reason. I wanted to check into it and see whether the state did have any legal obligations to the authority if we increased their bonded indebtedness. I have checked it out quite thoroughly and we do not have any legal responsibility. I would add, however, we could very much have a moral responsibility if anything should happen.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Through the Chair I would like to thank Mr. Simpson. There is one other part to the question which I am not too certain of yet. Could it affect the credit or the borrowing

capacity of the state any at all?

He shakes his head, so thank you.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and tomorrow assigned.

#### **Passed to Be Enacted**

An Act Relating to Applicability of Workmen's Compensation to Certain Employees (H. P. 51) (L. D. 58) (C. "A" H-151)

An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities (H. P. 60) (L. D. 72)

An Act Relating to Appointment of Complaint Justices in the District Court (S. P. 91) (L. D. 237) (C. "A" S-52)

An Act to Provide Special Probation in Criminal Nonsupport Cases (H. P. 222) (L. D. 295)

An Act Relating to Fines Levied by the Harness Racing Commission (S. P. 133) (L. D. 345) (C. "A" S-51)

An Act to Amend the Savings Bank Law (S. P. 215) (L. D. 631)

An Act Raising the Maximum Age of a Juvenile Offender (H. P. 489) (L. D. 653) (C. "A" H-152)

An Act to Provide Sales Tax Credit on Replacement of Lost or Destroyed Motor Vehicles (H. P. 564) (L. D. 743) (H. "A" H-134)

An Act Relating to Penalties for Violation of Baxter State Park Laws and Regulations (H. P. 604) (L. D. 802)

An Act Relating to Control of School Water Supplies (H. P. 619) (L. D. 817)

An Act Creating Regional Library Systems (S. P. 281) (L. D. 828) (C. "A" S-53)



An Act to Specify the Date for Closing of Open Burning Dumps in Maine (S. P. 288) (L. D. 835) (C. "A" S-41) (S. "B" S-59)

An Act Repealing State Educational Conventions (H. P. 670) (L. D. 875)

An Act Including Surviving Spouse of Owner under Certain Motor Vehicle Laws (H. P. 676) (L. D. 883) (C. "A" H-153)

An Act Defining Wholesale Life Insurance under Insurance Laws (H. P. 689) (L. D. 896)

An Act Defining Health Insurance on a Franchise Plan (H. P. 691) (L. D. 898)

An Act Relating to School Statistics (H. P. 692) (L. D. 899)

An Act Relating to Movement of Oversize Loads on Highways (S. P. 351) (L. D. 1048)

An Act Revising the Law Relating to Dealers in Securities (S. P. 372) (L. D. 1098)

An Act Relating to Collection of Excise Tax in Unorganized Places (H. P. 1006) (L. D. 1328)

An Act Providing for a State-wide Open Deer Season (H. P. 1114) (L. D. 1450)

An Act Relating to Railroad Bridge Guards (H. P. 1334) (L. D. 1660)

An Act Relating to Permits for Out-of-Door Fires Issued to Licensed Guides (H. P. 1335) (L. D. 1661)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Establishing an Open Season on Moose" (H. P. 32) (L. D. 39)

Tabled — April 5, by Mr. Good of Westfield.

Pending — Motion of Mr. McNally of Ellsworth that House recede and concur.

On motion of Mr. Good of Westfield, retabled pending the motion of Mr. McNally of Ellsworth to recede and concur and specially assigned for Thursday, April 12.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Relating to Release and Discharge of Persons Acquitted by Reason of Mental Disease or Mental Defect" (H. P. 336) (L. D. 454)

Tabled — April 5, by Mr. Perkins of South Portland.

Pending — Motion of Mrs. Baker of Orrington to accept Majority "Ought to Pass Report."

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-162) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle" (H. P. 202) (L. D. 275)

Tabled — April 5, by Mr. Perkins of South Portland.

Pending — Motion of Mrs. Baker of Orrington to accept Minority "Ought to Pass Report."

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-167) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Providing for the Maine Property Insurance Cancellation Control Act" (S. P. 231) (L. D. 666)

Tabled — April 5, by Mr. Simpson of Standish.

Pending — Adoption of House Amendment "A" (H-169)

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: This bill, L. D. 666, is an insurance department bill and limits the conditions under which an insurance policy may be cancelled. It is patterned after a law now in force in Iowa, which has the

immunity clause and it is important that this immunity clause remain in this bill and that House Amendment "A" be defeated.

Let me read a portion of the letter from the sponsor, Senator Tanous, which he sent to the committee when he heard we were considering removing the immunity clause. I am quoting from Senator Tanous' letter. "The immunity section of L. D. 666 will not be harmful to the public since the bill in its entirety will provide certain necessary benefits to the public, which they do not now enjoy.

"If the immunity provision were removed and the bill were to become law, it could very well work to the detriment of the public by restricting the dwelling insurance market and making insurance of this type very difficult to obtain. In other words, if the companies were required to give reasons for cancellation on nonrenewal and were then subject to legal suits, because of these reasons it would be quite possible that they would become very selective in their initial underwriting and could quite likely refuse to insure anyone with a remote problem in the future.

"I do not believe that anything that could force this action would be in the public interest."

Mr. Speaker, I now move the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I hoped that we would not go through this again. If you recall my statements of last Thursday, I said at that time that I supported the bill and at the public hearing the entire insurance industry supported the bill.

I wish to go on record and make it very, very clear that the insurance industry that supposedly supports this bill is not the least bit interested in the bill. What they are interested in is obtaining for themselves immunity from liability.

Now, let's back up a while and look at some other legislation that has been passed through here similar to this bill dealing with

cancellation or risk sharing or whatever you want to call it. The insurance companies fought that insignificant piece of legislation tooth and nail. Along comes L. D. 666, a very comprehensive piece of legislation and I have to agree, I do, I do like the bill. My purpose in signing it "ought not to pass" was only because in the bill I feel that this free enterprise system that the insurance industry so much wanted to enjoy, I did not think that any industry is entitled to immunity from liability. If the insurance industry puts in writing to a policyholder their reasons for cancellation, well then the insurance industry should be held responsible for their statements, and I cannot imagine any reason the insurance industry should not be held for any damages they might do by cancellation.

I can cite cases, because of cancellations, of monetary loss to customers in their field of endeavor because their insurance was cancelled. An insurance company should be held responsible for these losses. As I said last Thursday, the insurance industry, who supposedly supports this legislation, have already informed me that they will kill the bill without us. I love statements like that. You know, a bill they presented before the Business Committee, that they supported, and now they threaten to kill it if they lose their immunity.

I certainly hope that this House continues to show the courage that it has shown in the past and accepts this amendment that does away with the immunity for insurance agents.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the indefinite postponement of House Amendment "A." I think before us we have a very, very fine bill, a bill that definitely protects the consumer in this state, especially in the insurance industry.

In the particular section that the gentleman from Portland would like to delete, in the section 3055,

you do find an immunity section for the commissioner, the insurance department, or the insurer. In my opinion, I think this is something that is very much needed if you really want to protect the rest of the bill, and I don't say that as the means of going out and killing the whole entire bill. I say, if you want to enhance the rest of the bill to the point where people are going to be duly notified of the reasons why insurance of theirs was cancelled, then keep the immunity section in. If you disagree as an individual that the insurance company, the commissioner, or the commission was wrong, you have at the present time redress through the courts of the State of Maine. I believe that is where it should be.

Therefore, I do not see any reason why we should have House Amendment "A" and I would urgently request that you indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: As a representative from Brunswick, I would like to express my views on the bill. I concur wholeheartedly with the analysis of the gentleman from Portland, Mr. O'Brien. I would think that the better title for this bill rather than the one affixed to it, which is An Act Providing for the Maine Property Insurance Cancellation Control Act, would be the Insurance Company Immunity and Nonresponsibility Act of '73.

In a few very specialized areas for the highest reasons of public policy, we grant immunity but immunity for someone to say something or write something or give information to someone else about you which is not true, which is inaccurate and which is harmful, is a thing that we don't want to encourage in this society.

We are talking here in a sense about the law of defamation. When you say or write something about someone that is harmful to them and is not true, then you are responsible for your false or inaccurate statements. It is really a ques-

tion of should we encourage responsibility, accuracy and truthfulness or should we encourage the opposite characteristics.

Mr. Speaker, this bill deals with property insurance cancellation or homeowners or fire insurance policies for example, on the homes of any of us.

I suspect that in some cases the reason for cancellation might read something like this: The insured is an alcoholic. The insured is thought to be of questionable moral characteristics and might be prone toward arson. The insured is conducting an illegal business of manufacturing explosives in his house. Remember, we are talking about a fire insurance policy on your own home.

I think it is a very unusual thing for an industry to come in here and ask for the right not to truthfully say that a man might be an arsonist or an alcoholic but the right to immunity if they said that even though the proof was that the man was not an alcoholic, that the man was not an arsonist. And yet, under the language of this section that Mr. O'Brien seeks to strike out with his amendment, if they called you or me or any other citizen of Maine an alcoholic or an arsonist, there isn't a thing that we could do about it.

Immunity breeds irresponsibility. This is a wide-open act and I think it is trying to go under the guise of consumerism and it is very much the opposite.

Mr. Speaker, when the vote is taken, I would ask for a roll call.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, has requested a roll call.

The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Members of the House: Very briefly, I want to remind the gentleman from Standish, Mr. Simpson, that last week he was very critical of one industry being picked out for criticism and one industry being picked out for restrictions. This week I am very critical of one industry being picked out for benefits.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLÉN: Mr. Speaker and Members of the House: It has been pretty well brought out that this immunity clause is to protect the insurance companies. But I think the first need in there is the insurance commissioner, and I think he badly needs this protection. I would like to see it left in.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of House Amendment "A". I feel that the authority and powers as granted by the State of Maine to the insurance commissioner will provide him with ample protection if that is needed, rather than providing him with immunity.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, that House Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G.W.; Birt, Bither, Bragdon, Briggs, Brown, Carrier, Cressey, Davis, Deshaies, Donaghy, Dudley, Farnham, Farrington, Ferris, Fylnn, Garsoe, Gauthier, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kilroy, Lewis, J.; Littlefield, MacLeod, Maxwell, McNally, Morton, Murchison, Parks, Pratt, Shaw, Simpson, L.E.; Snowe, Stillings, Theriault, Trask, Trumbull, Tyndale, White, Willard, The Speaker.

NAY — Albert, Berry, P.P.; Berube, Binnette, Boudreau, Brawn, Bunker, Bustin, Carey, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Crommett,

Curran, Curtis, T.S., Jr.; Dam, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D.F.; Farley, Faucher, Fecteau, Finemore, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Kelley, R.P.; Keyte, LaCharite, L. Kelley, R.P.; Keyte, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, Maddox, Mahany, Martin, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Ross, Santoro, Sheltra, Shute, Silverman, Smith, S.; Sproul, Susi, Tanguay, Tierney, Walker, Wheeler, Whitzell, Wood, M.E.

ABSENT — Cameron, Carter, Connolly, Evans, Good, Hancock, Herrick, Hodgdon, Knight, McCormick, Norris, Rollins, Smith, D.M.; Soulas, Strout, Talbot, Webber.

Yes, 50; No, 84; Absent, 17.

The SPEAKER: Fifty having voted in the affirmative and eighty-four in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Tierney of Durham offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-197) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: This is in reference to the preceding section on the bill, L. D. 666, on which we just voted. This is the section dealing with the right to a hearing for anyone after he has had his property insurance cancelled. I spoke on this issue last week as some of you may recall.

The amendment I presented is merely a cleaning up of the statutory language involved. The author of this bill, a gentleman who works for the insurance commissioner, simply took this clause out of another state statute and has no objection to this clearing up clause. All I am stating is, to make it

very clear so there will be no question that the insurance commissioner does have the authority to continue a policy if he finds that the burden of proof has not been met by the insurance company.

I feel this is not too controversial and has the support of both parties.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I request that this be tabled for one legislative day.

Mr. Tierney of Durham requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this Bill be tabled for one legislative day, pending the motion of Mr. Tierney of Durham to adopt House Amendment "B". All those in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that Bill be tabled for one legislative day, pending the motion of Mr. Tierney of Durham to adopt House Amendment "B". All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Cameron, Carrier, Churchill, Cressey, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Emery, D. F.; Farnham, Ferris, Fraser, Gahagan, Garsoe, Gauthier, Hamb-

len, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McKernan, McNally, Merrill, Morton, Mulhern, Murchison, Palmer, Parks, Perkins, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Trask, Trumbull, Tyndale, Walker, Wheeler, White, Willard, The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Brawn, Bustin, Carey, Chick, Chonko, Clark, Conley, Cooney, Cote, Cottrell, Crommett, Dam, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Farley, Farrington, Faucher, Fecteau, Finemore, Flynn, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, McCormick, McHenry, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, S.; Stillings, Tanguay, Theriault, Tierney, Whitzell, Wood, M.E.

ABSENT — Carter, Connolly, Evans, Good, Hancock, Herrick, Hodgdon, Knight, Norris, Rollins, Smith, D. M.; Strout, Talbot, Tanguay, Webber.

Yes, 69; No, 67; Absent, 15.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-seven in the negative, with fifteen being absent, the motion to table does prevail.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act Relating to Entertainment for Class A Restaurants, Hotels and Clubs under Liquor Law" (H. P. 721) (L. D. 927)

Tabled — April 9, by Mr. Parks of Presque Isle.

Pending — Acceptance of Committee Report, Leave to withdraw.

Thereupon, the Report was accepted and sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act to Provide Trade-in Credit for Mobile Equipment under the Sales Tax" (H. P. 913) (L. D. 1201)

Tabled — April 9, by Mr. Finemore of Bridgewater.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report of the committee.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: Since I have had one or two requests as to what this bill does, in the first place, it tries to do away with discrimination. You all know that when you buy an automobile or a truck or a farm tractor, you only pay a sales tax on the difference between the trade-in and the new machine. So we think, us people in the contracting business, that it would be just as right if we had the mobile equipment in the contracting industry also when it is traded, be able to only pay the sales tax on the difference between the trade-in and the new machine.

New mobile equipment — which is the question that has been sent over to me asking what this bill includes — mobile equipment shall mean every self-propelled vehicle not designed or used primarily for transportation of persons or property, and incidentally, operated or moved over the highway including road construction or maintenance machinery, hitching apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well drillers and wood sawing equipment used for hire. And speaking of air compressors, it does not mean that the tools that go with the air com-

pressors is included in this bill. It means just what it says, the mobile equipment that is used on there.

You know that it seems hardly fair that if you go out and buy a bulldozer larger than a size that the farmer uses, think of Allis Chalmers, if you go up into the "D" series of it, you then have to pay a sales tax for the entire cost of it; same way for a power shovel; same way for front end loaders and so forth.

Now in the committee hearing, Harold Smith from up in Bangor, showed about what happened on these trade-ins. Say that somebody comes in and buys a new tractor and trades an old one in. By the time he gets rid of this trade-in tractor, he has made  $3\frac{1}{2}$  trade-ins he figures, and the state of course has received  $3\frac{1}{2}$  more sales taxes on this equipment because it was too big to be farm equipment.

Now the bad thing for the little fellow is, supposing he buys himself a small backhoe or bulldozer and so forth and goes out into soil conservation work, he is set as to how much he can get an hour for his equipment. If it is the going price of \$10 an hour, he can't charge any more than that. Now you take the bigger firms, and all they do is just simply add onto their bid enough to cover what they have had to pay extra for the equipment, but for the little fellow, it doesn't come out that way. The little fellow is working his by the hour and he, of course, has no way of writing off that difference.

Then we have another thing. We have the contractor that goes into New Hampshire that has no sales tax and buys himself some equipment and uses it a week or two in New Hampshire and then he can come back and compete very seriously with Maine contractors that have had to buy and pay the full sales tax. Now that's the whole gist of the bill, and the only thing I am going to ask is for a division on the motion.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I also rise in support of

this bill and I would hope that we vote down the majority report and accept the minority report.

I support this bill because at the present time we have a trade-in credit for motor vehicles, farm equipment and even snowmobiles. At the present time I think this is discriminatory against the construction equipment dealers and users. In our area we have several dealers who have to compete with New Hampshire dealers, and they find it very difficult to do this if a contractor is looking for a bulldozer, say, that costs \$4,000, and he trades in another one and has to pay a full sales tax on it, he has to figure that \$200 or so into the price. Whereas, if he goes to New Hampshire and didn't have to pay this, the Maine dealer will lose out.

This is what is happening: they will go over to New Hampshire and use it for a week or two on a small job, bring it back and not have to pay any sales tax and users tax on it.

Also I think this bill hurts the small contractors that have maybe a dump truck and a front end loader or something. Again, they have to figure this extra couple of hundred dollars in every time they go out to buy a new piece of machinery. If they could trade in their old one and get some credit for that, I think that they would be in a much better business position.

THE SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

MR. FINEMORE: Mr. Speaker and Members of the House: All you have to do when you get into these bills with contractors, liquor, and so on and so forth, is hear someone cry discrimination in the State of New Hampshire. We admit this happens a little down around the State of New Hampshire, but not altogether as bad as they report.

As Mr. McNally, the gentleman from Ellsworth, stated, that Mr. Smith of Bangor explains one deal where it took some three tractors to get rid of one. But he also explained he left out the most principal part: being that, if it hadn't been for the trade-ins, we

would have lost the \$995 tax that was on those machines. By his own admission, this was the fact.

We also must bear in mind that 96 percent of this money goes to the general fund, 4 percent goes to our revenue sharing, which I believe we should have in our revenue sharing, this 4 percent. We are gnawing at our tax base every time we do something like this. Last summer I served on the tax structure study committee. It had 14 meetings and I attended them all and every minute of the meetings. I have done a lot of study and a lot of work on it, which I was very pleased to do, and I find that we cannot continue to go on taking these taxes off. This tax right here would cost the State a minimum of \$200,000 a year, and by some figures we used afterwards we considered it would cost half a million dollars a year.

And they mention the small contractors. I am a small contractor and I use skidders and we have to pay the tax. I know that we don't like to a bit more than the other contractors, but at the same time when you are getting four or five hundred dollars a week for a machine that cost you eight or ten thousand dollars, for a 40-hour week you aren't losing too much money. You can afford to pay the tax.

And on the larger ones, as Mr. McNally has already admitted himself, this is added on the cost. Even the sales tax is added on the cost of your machine, and then you get depreciation on it. Whatever the amount of your income tax is, you get depreciation.

We have defeated bills in this House, like the Representative from Lewiston, Mr. Jalbert's bill for a clothing tax, something that we really needed. We defeated that because we didn't want to lose the money out of the income tax. We also turned down bills and will turn down bills, here, and I hope that some of them pass. In fact, I went through a bill the other day, tax relief for the elderly, to do away with social security in figuring the total amount of money received by the recipient. The bills like these we have turned down, and it seems too bad to go along and give an

exemption on something we already have on the books that is helping to pay these worthy bills. I hope that you will go along with the acceptance of the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the minority "ought to pass" report on this bill, I feel I owe it to you to tell you why; also to reply to my good friend, Mr. Finemore, in some of the remarks that he just made.

We are talking about consistency here, ladies and gentlemen of the House, consistency of exempting an item which is a major portion of the purchase of a piece of equipment. As you know, we fought the battle for the exemption on passenger cars, trucks, and farm tractors for many years, and I think it has pretty well been laid to rest at the present time.

Now here we are trying to do the same thing for a very small segment of the buying public. So many times these bills are considered to be benefits to the dealers, but I want you to remember that the person who pays the tax is the individual person who buys the tractor, the skidder, the bulldozer, or whatever it may be.

Now these trade-ins represent a fairly large portion of the purchase price in many cases. And their resale creates what in effect, ladies and gentlemen, is a double taxation on that initial piece of machinery. One of the witnesses at the hearing pointed out that in a typical transaction he has just recently completed the total take for the State on the piece of equipment that he sold amounted to 9.49 percent. Now I think you would agree with me that we have a five percent sales tax. We all feel that that is high enough, and when you create a tax that is nearly double that on the purchase of one piece of equipment because of the way the law is presently written, that is getting a little too much.

Now the big contractors like Mr. Finemore, they don't notice this very much. He makes pretty good deals on the equipment he buys

anyway. But the small contractor, and the small woods operator who is purchasing one tractor, one skidder, a \$25,000 item, he has got a tax of \$1,250 if he has to go by the present law. If he turned in a \$10,000 trade-in and got his \$500 credit, he would only have to pay \$750, and I submit to you, Ladies and Gentlemen, that \$500 is a very significant item to that small contractor or small woods operator.

I also question whether the estimates of the loss are accurate. At the hearing we were told that there was no way that the tax department could truly estimate this; it was purely a guess.

Now, Mr. Finemore brought in a bill, which was recently killed early in the session, which would have cost the State \$10 million. This one here, by his figures, would cost the State between one and two hundred thousand, which I submit is one to two tenths of one percent of the total take on the sales tax, one one-thousandths of the total take, and you are taking it out of the small contractors, the small woods operators.

It is simple justice and consistency to enact this bill. This is a good bill, and I hope you do not support the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: This has been described as a majority report "ought not to pass", which is true. I believe it was seven "ought not to pass" and six "ought to pass". I voted with the group that favored the "ought to pass" position.

I don't know that I can add that much to what has already been said. The expression used by the previous speaker, "simple justice", rings in my ears; I think it is simple justice.

I would like to recount an experience that one of the dealers gave in testimony where substantially the sale price on the new unit was around \$20,000, and the person buying the new unit has two trade-ins that came to around



\$16,000 or something. The tax was paid on the \$20,000 plus, so the tax was \$1,000 plus a trade difference of \$3,000 something, so there was an effective tax rate of over 25 percent, here in a State where the tax is supposed to be 5 percent. I consider this extremely unjust. We have an opportunity today to add another little element of fairness to our sales tax in its fairness, and I hope that you can vote against the "ought not to pass" and support the "ought to pass" report so that this will be approved.

The SPEAKER: The Chair recognizes the gentlemen from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: Mr. Morton has just made a statement that is very incorrect. I like to have correct statements so I would like to correct it. He said I had a bill in that cost \$10 million and it didn't pass. The reason it didn't pass is that I withdrew that in favor of a bill coming in by the gentle lady from Bath, Mrs. Goodwin, the tax relief for the elderly bill, and I withdrew my bill due to that. Therefore that bill wasn't killed, and the cost would have been \$3 million, with an overestimate on the cost of the tax relief last year \$1.2 million, so therefore it would have cost less than \$2 million to pass this bill, but I withdrew the bill.

Another thing he admits, Mr. Morton admits, that the trade-in is the biggest part of the sale, which is true. Now the gentleman from Pittsfield, Mr. Susi has made the same statement. He said a machine costs \$20,000, and with the trade-in there was only a \$3,000 difference. We are losing a State tax on \$17,000 at 5 percent, which is \$850.00. I wonder if we want to stand that loss with the things coming up before us in this legislature.

He mentioned that transactions are the biggest percent, 25 percent on that special machine. It was, but that is not the proper way to figure it by any means. We started figuring out our own business at 25 percent profit in the same way, we would wind up a little short

at the end of the year. These are not true figures. These are figures thrown out to pass by people so that they will look at the sunshine side of it rather than the cloudy side of it and the cost to the State.

You will also notice that the speakers who are speaking in favor of this are two contractors who buy equipment themselves, and lots of times I wonder if you should come here to the legislature to profit yourself. I know I have always voted for the income tax. I go on record as a voter for the income tax, and I think probably I would be hurt as much by income tax as probably most of the members of the House, but I still voted for it because I think it is a fair tax. We have had one member speak here who is an automobile dealer, and I don't know why he is speaking for it, he has got his share now. He has got the tax exemption on trade-ins. And we have got another layman speaking, and I wouldn't know why he spoke in favor of the bill, of which I am a hundred percent for everyone speaking as he wishes, but I do hope that you will go along with the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I want to say right here that I have a great deal of respect for the other members on the tax committee and their thinking in this matter. And I will state right out that this bill has great merit, but I want to explain this: out of the bills that we have before our Taxation Committee, 75 percent of them are for exemptions, and we certainly can't pass them all.

We are going to have before we get through this session bills which call for at least \$50 million of exemptions. Now somewhere we have to establish priorities. This bill has great merit. We have another bill which has come out with an "ought to pass" unanimous report for three terms now. It costs about the same as this bill and it has not yet been passed.

I think we acted a little too hastily on the Taxation Committee because we have another bill similar to this which we haven't heard yet, and we need a great deal more information. The bill that is coming out is a little more inclusive than this one. And yet on the bottom on the statement of cost they both say \$100,000.

Taxation Committee, because we have another bill similar to this which we haven't heard yet. We need a great deal more information. The bill that is coming out is a little more inclusive than this one. And yet, on the statement of cost, they both say \$100,000. Now, our Taxation Department has no basis for establishing a cost for this bill. The Taxation Department has said it would cost at least \$217,000 a year.

Now, I think to be reasonable, to display good judgment, I think we should wait until we hear bill number 1165. We haven't heard it yet. I said I think we acted too hastily. We had this hearing last Tuesday and immediately after the hearing, we had a brief Executive Session and passed this. I am not criticizing the members of the committee, but I think it is good judgment to be deliberative when you are dealing with other people's money.

I would suggest to these people on this issue to come up to the special session with more facts. We don't have the facts to know what the cost of this bill is going to be. It is all hearsay and picking a number out of a hat; and as I say, I think the bill has merit. But on the Taxation Committee you have got to use a sense of priorities and you have to handle the bills that are on the burner already. I think it would be good judgment to let this go by. We will have a hearing on 1165 covering the same situation and we will have more information to give you and I think you can postpone your judgment until that time. So I hope at this time that you vote that this bill "ought not pass."

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentleman of the

House: Bill 1165 is mine. I am kind of in a unique position here. I personally would just as soon see this particular bill go through, they are both basically the same. The reason that I have been concerned about this as a layman is the fact that the bordering towns along the New Hampshire border for a long time have been in a rough position in regards to the sales tax.

In this particular case, as I stated before, many of the contractors, small ones around our area work both New Hampshire and Maine. And if they have a job coming up, they can very easily go to New Hampshire, buy a new piece of equipment, work it for a week or two or however long they want in New Hampshire then be able to bring it back and not have to pay user's fee or any of this type of thing.

So this is basically why I am supporting this, because I feel that it will aid in bringing a better competitive situation to some of the dealers and some of the contractors in our section of the state.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: Being one of the signers of the "ought to pass" report, and not being an automobile dealer, and not being a contractor, large or small, and not being a fat cat, I think that I just want to say a few words on this bill. I do think this bill has great merit, and I think it is a chance to take out some of the discriminatory provisions of the Sales Tax Act.

Now, many times we have heard — and we will hear more before we go home — about the big companies doing all the business and swallowing up the smaller companies, the large land owners swallowing up the smaller land owners. I think this bill right here today has the greatest merit in the fact that this would aid small contractors and when it comes to the Canadian business 5 percent is 5 percent. And back four years ago in my town, had there been any law in the books that would have allowed industry to have a 5 percent sales tax reduction on

their machinery, we would still have had an industry in Skowhegan today employing 360 people. This was a large industry having plants in several parts of the country. So if it can affect large industries for 5 percent, I am absolutely sure it can affect a small contractor. I would hope that we would go along with this bill.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to correct a couple of impressions. I was not referring — and I want to emphasize — I was not referring to Mr. Finemore's bill. I was referring to one that was going to cost us in the neighborhood of \$10 million a year on the sales tax as an exemption.

I want to thank you for agreeing with me that trade-ins do represent a substantial portion of these deals, they do.

I just want to chastise him a little bit, automobile dealers, as such, have not directly benefited from this, it is the people who purchase the vehicles that get the sales tax exemption. Sure, it makes the deal a little easier because everybody hates to pay a sales tax of any kind. But, the fact remains it is the little fellow who gets the exemption, and it is fair, it is just, it is consistent with our present policy. I hope you vote against the motion "ought not to pass" so that we can get a motion out here to accept this bill, it is a good bill.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I think justice is the word here. It doesn't seem to me to make any difference whether one party is exempt or the other if they were all the same. As the law now stands, it is discriminatory, and this might even things up.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: I would

like to ask a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. BRAWN: Suppose a gentleman bought a tractor and he paid \$400, the sales tax dropped; so that when he came to register the new one of the same type, it was \$300. Is the state going to pay him back \$100?

The SPEAKER: The gentleman from Oakland Mr. Brawn poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: Mr. Dam is a friend of mine and I respect his judgment and I am very sorry that he was unable to attend the hearing on this bill, because I think he might look at this bill in a little different light. Automobiles are exempt, we know that. The automobile is something that is used universally by all people. I have always been against removing the tax exemption on trade-ins.

I am not against the idea in this bill. But you don't know whether you are voting for a \$300,000 a year expenditure, that is over half a million, or whether you are voting for \$100,000.

I think after we have the hearing on this next bill, which I say is more inclusive — it takes mobile equipment too, that is self-propelled — and they both have the same price tag on them now, I think you are just jumping the gun a little bit.

Excuse me for speaking, I guess I am the only other speaker on this side beside Mr. Finemore. We served on this special Taxation Committee.

Apparently, Mr. Dam, for instance, has got a \$4 million exemption bill in which we all approve of because it is going to be partly funded by the increase in the corporation tax. And then there is another \$900 million bill, an exemption on property tax which we are going to try to fight too, which is a very essential bill for everybody. A lot of this equipment is

only used part time, contractors' equipment. I don't see backhoes working in the wintertime. Most of the contractors — they never came up before — Hinman, Cianbro, they have machine shops. A big piece of machinery doesn't wear out like an automobile. Just hold your horses here a minute until after we hear number 1165. We are not going to lose anything by voting this bill down today.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Since my good friend from Portland, Mr. Cottrell, mentioned the fact that I was not at the hearing, this is true, I was not. But I can assure Mr. Cottrell and anybody in this House, whether they be a school teacher or an ex-school teacher, that I can read and I can comprehend.

Now, for the matter of the record, I have said it before and I will say it again, today, being April 10, I am on two committees; one, County Government which schedules their hearings at 1:30 in the afternoon and the other on Taxation that schedules their hearing at 2:00 in the afternoon. It so happens that I just look over the calendar and choose which committee I will attend because of the bill I have the most interest in. It is also true that I have a bill before you coming before this House and before committee with an exemption price tag of \$4 million on it. But this is being offset by other areas and is not a great loss of revenue, and it is a bill that I believe in and I hope a lot of you other members will believe in it when you hear the bill.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I don't want to give out any wrong information. I would like to ask a question through the Chair of Mr. Finemore. Does he know whether that equipment that is bought in Canada and comes down and does work in the woods pays

any sales tax in the State of Maine?

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, members of the House: In answer to the gentleman from Ellsworth, Mr. McNally, I was very pleased to have him ask that question. We catch 90 percent of the machines that cross the lines to stay here. But he must remember that the majority of machines that come in here come in under bond. It is just the same as any bond there is, they can come in here and work with a bonded machine; and when they go out, they don't pay any tax. It is the same way with New Hampshire, that has been mentioned here about New Hampshire. A lot of machines cross the line in New Hampshire and the State of Maine catches them. I believe my own committee will go along that, Ernest Johnson told us that, they get many many of them. Of course, once in a while they are going to slip by but not very many; because most of these machines are reported by the company they work for when they make their reports. Therefore they go back and pick up the tax. We aren't losing much tax that way.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, to accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 54 having voted in the negative, the motion did prevail.

The Chair laid before the House the seventh tabled and today assigned matter:

Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four (H. P. 1419) (L. D. 1733)

Tabled — April 9, by Mr. Kelleher of Bangor.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

Bill "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-Premise Consumption" (H. P. 184) (L. D. 226)

Tabled — April 9, by Mr. Finemore of Bridgewater.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: The first thing I want to do is apologize for being on the floor so much yesterday and today, but that seems to be the way the cookie crumbles. You can't stay off every day and I have been pretty quiet during the session. But I have been forced to be on it these last two or three days.

In regard to House Paper 184, L.D. 226, at this time, I move for indefinite postponement of this bill and all the accompanying papers and when the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I thought that I was on the horns of a dilemma on this particular bill. I had a great many calls and letters against the bill. I also had even more comments in favor. Although letters mean something, especially when they come from conscientious, reliable individuals who are your friends, however, no matter how many we get, it still is a small cross section of the entire electorate. But there is a fair solution already contained in this particular bill. Each city and town can have a chance to vote individually on the question. And in this matter, all persons in

your city or town can express their opinion. On such a controversial subject, in my mind, this is the fairest solution. And because of this option, I am willing to vote yes and let the people decide.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the minority "ought not to pass" report, I would just like to bring a few items to your attention. First, it is a difficult bill to argue against because class "A" restaurants can serve liquor on Sunday. But I would remind you that when you go into a class "A" restaurant, you invariably go in for a dinner, you have your drink and have your dinner and by the time you have left there, the effect of the drink has pretty well worn off. Now this bill would allow the sale of wine and beer from 12 noon on.

One of the big arguments used for it was that you don't have any trouble getting it anyway, anyhow, anywhere now, because if there are four places in town that have beer and wine to take out, there is always one of them that will accommodate you, regardless of what the law says. Now of course we also are told that everybody who has a license abides by the law, but from practical experience I know that any place where there are three or four of these places, you can always find one that will accommodate you on Sunday if you forgot to do your work on Saturday.

Mr. Ross has brought out, and very fairly, that this would go to the people for a vote. But I would remind you that this is an industry that can well spend \$100,000 or \$200,000 to influence the voters, where those who are opposed to it would do very well if they raised \$10,000. I well recall the money that was spent four or five years ago when the first referendum was up on Sunday liquor sales. The true amount was never reported, but it was a tremendous figure and the same thing can happen again this time.

Now we are in an age when we have had a great deal of talk about the drug situation. And before the State Government Committee we have had two or three bills dealing with drugs. But at each hearing it has come out that the drug that is causing the greatest damage is alcohol, but we are very much afraid to call that a drug. Now a drug is anything that alters the mind and I can tell you very truthfully, if you give me two drinks of Scotch, that is all I would drink before I eat dinner, my mind is altered and I am a very happy guy, and even at my age I think I can jump 20 feet in the air, but I can't.

This can only tend to increase intoxication. Sunday is the day that the family likes to go out for a drive. We do know from the statistics in this state and every state in the union that 50 percent of our automobile accidents are caused by people who are under the influence. And this can only tend to make driving on Sunday a little more hazardous.

For these reasons I hope the House will not accept this bill.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take long, but I would like to wholeheartedly second everything that my friend from Hampden has stated. I think it rather a sad commentary that one of the largest hearings we have had this year was on L. D. 76 before Judiciary on a bill regarding alcoholism. In other words, the policy of this bill is that alcohol intoxicated persons may not be subjected to criminal prosecution. I am not saying as to what is going to happen to this bill. At this time, I do not know; it is still in committee.

But it is rather ironical that we are willing and we do spend millions of dollars to try to cure alcoholics, that we are trying to find ways to rehabilitate, and I agree that it requires a tremendous effort. We are terribly concerned on the damage that alcohol is doing. As my friend states, it is the

worst drug in the United States, bar none. It does the most damage. And still, every session of the legislature we who may be ones who take a drink now and then but people who believe that we should more or less hold the line where the sale of liquor is concerned, we also believe that if there was any possible way under the sun to enforce and make prohibition work, we would like to see it, a lot of us, but it cannot be done.

It seems to me that we can control it to the extent that we are now doing it. It seems to me that we can at least hold back the surge of the business of selling alcoholic beverages so that there will be a little bit of time Sunday when they cannot buy packaged wines and beers to take home. It seems to me that we could still insist that the person who purchases beer for the weekend, or wine, or any spirits, that they can at least think and get it Saturday night.

Now I have checked this bill with the sources that I think would be most interested, and that is filling stations and some stores up my way. They said they don't think that they should pass it. They told me that they don't see any particular reason for it. Some of the stores don't want to be bothered by having to stay open on Sundays. Some of them would lose business if this bill passed because they are not normally open on Sunday. It might throw some business the way of a little corner store who sells beer and possibly that is one of their biggest interests.

But again, I feel that the biggest proponents of these bills are the liquor interests. I not only think so, I know so, and we all know so. So I am, as I did in the past, I am opposed to the encroachment on Sundays and I oppose the encroachment of the heavier wines in grocery stores. I know that will be back again, it always does. But I certainly oppose this bill and I hope that the motion for indefinite postponement prevails.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the

House: I feel very strongly that the people should have a chance to decide upon this bill. As you probably are all aware, I come from an area where the people can now obtain this on Sunday by driving about a mile and a half. And I find it quite ridiculous that the people in Maine have to go out of Maine in order to buy what they might like. If they want some, fine. If they don't want some, they don't have to get involved with it at all, but why should they be on the roads driving into other states to get involved with this.

Now as to the explanation from the gentleman from Norway, that his small storekeepers aren't interested in this particularly, I submit to you that the next legislative district beside it, all of them are very interested in it. They feel that the only way they can survive is when the large stores shut down to be able to get a little revenue out of this thing once in a while.

I sincerely hope that you will let the people decide whether this bill has its merits or not. Five years ago, when this same question was asked, they decided they didn't want it. Let's let them decide what they want to do with it now.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I signed the "ought to pass" report in Liquor Control. I did it for two reasons. First of all, I would like to buy a bottle of beer on Sunday and have the opportunity to do so. I am not here speaking for the store owners who would like to sell it. They get the option. If they want to leave their stores open, they can sell it and if they don't, they don't have to. I think this is reasonable enough to let the people decide. It's not mandatory; it goes to your individual communities.

I wholeheartedly agree with my good friend from Hampden, Mr. Farnham, that he doesn't want anyone on the roads drinking and neither do I, and I suggest that this is a deterrent from it. They can go to the store and buy it and take it back to their camps in the summertime or their hunting facility in the fall or their ski lodge

in the winter. I see no great harm in it; I wholeheartedly support the bill.

I think this is just fair to the people in your own community and the people of the state to let them decide. I certainly would vote for it if it came to my community and if the City of Bangor decides that they were against it, so be it. Let the will of the people prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Genest.

Mr. GENEST: Mr. Speaker and Ladies and Gentlemen of the House: I had some reservations on this bill when it came before committee. However, there was one argument brought out in the committee hearing that removed all doubt about the bill.

For example, if you have a friend who is staying at a local hotel or motel, you can go to that friend, ask him to make an order, he calls room service and orders any amount of liquor or malt beverages to be delivered to his room, you can pay him for it and legally make a Sunday purchase. I ask you, is this fair for the corner grocery store to be denied the privilege that is now being enjoyed by the hotels?

I urge you to let the people decide and vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to take exception to one remark made by the gentleman from Hampden, Mr. Farnham, when he inferred that one out of four businesses here in the State would break the law on a Sunday to make an extra buck. I don't think this is a problem. I don't think you would find many stores who are licensees who will make an illegal Sunday sale. The person who does his homework, that possibly he referred to, is the gentleman who goes to the state liquor store Friday and into the grocery market Saturday and picks up several cases of booze and beer, puts it in his pickup truck and hauls it home and puts it in his

woodshed, and sells it on Sunday without a license.

Now this person, the bootlegger, will sell to anybody whether they are twelve years old or eighty. I think by legalizing Sunday sales you are going to put these boys out of business and put the sales in the hands of people who are licensed and who are legally controlled.

The SPEAKER: The Chair recognizes the gentle lady from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: I would like to speak in favor of this bill, as I had planned on presenting one myself. I see no reason why grocery stores should not be allowed to sell beer and wine on Sunday just as barrooms do. If a person is bound to drink, I would rather have them bring it home than go to a barroom and then drive home through the traffic we have in our vicinity in the summer. And many of our people at Old Orchard would like to be able to sell it in grocery stores as they do in barrooms.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: I was a member of the Liquor Control Committee in the 105th Legislature and we had a lengthy debate on this matter. The bill came out of committee with a divided report and it was finally defeated. But that is water over the dam; we are now considering it here today in the 106th.

I would not for one moment attempt to argue the point of allowing this measure to go before the people because this is purely a practice of home rule, which I wholeheartedly endorse, but I would like to point out one or two things.

The law enforcement people I know do not look with a great deal of favor upon this particular measure. They are being hard-pressed today with all of the drinking and driving that is going on, and this certainly opens the floodgates that much more.

Now I know that a great many arguments for this particular piece

of legislation are to help to preserve the mama and the papa store. Now I think in all fairness you will realize that if you are going to allow the Sunday sale of wine and beer in the mama and the papa store that you are just simply going to encourage the larger stores to remain open, and those are the ones which get the bulk of the business through the week. If they are going to be open on a Sunday, they are going to continue to do business and they are going to get the bulk of the business, both beer and wine and the other commodities which they sell. In my humble opinion, this would work to the detriment of the mama and the papa store, because those are the stores which now are open and you and I go and get a quart of milk, a pound of crackers, or a box of sardines, or whatever else that we may want that we need to tide us over the weekend. So I believe that this bill would work to the detriment of the so-called mama and the papa store.

It has been mentioned here about involvement, that those people who do not want to get involved in Sunday drinking, that they don't have to. Well I think involvement comes in this particular matter whether we want to or not, because we can be cold sober on a Sunday afternoon driving down the highway and the fellow who has been involved with the drinking involves us when he gets on our side of the road and an accident occurs. So the dry, or the person who does not care to become involved by drinking on Sunday, accidentally becomes involved. So I hope that those are things that you will take into consideration, and I hope you will consider the indefinite postponement of this document.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't think I can add anything to the arguments that have been made against Sunday sales. However, having voted for a long time against expansion of the liquor industry, and mainly Sunday sales



of liquor, I do want to go on record as being opposed to this bill which provides for Sunday sales of beer and wine.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: At the hearing that we had concerning this bill, a former law enforcement officer by the name of Timothy J. Murphy was there. He certainly was the best that we ever had in that particular field, and he could see no enforcement problems with this. How could this be an enforcement problem if the people in their respective communities vote for it? There is not going to be any enforcement problem.

I would like to say for my good friend from down on the coast, Mr. Hoffses, that I am not concerned with the papa and mama stores, and I am not concerned with the large grocery stores. All I say it is a convenience for our constituents, mine and yours, if they so choose. I haven't got a small store, and I am not here arguing for the people that have a small store. I am not talking for the beer people or the people with the small stores; I am just talking for the individual in this State, if they want the opportunity, to have it, not to be out beating the drum for any particular segment of the grocery business industry. I just think it is a convenience. I think it is something that we should let the people decide on, and they will act accordingly. They will act accordingly in your community, and I am sure they will do the same in mine.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to remind my friend, Mr. Kelleher from Bangor, that every time we broaden the laws on the liquor question, of course, we make it easier for law enforcement.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I submit to you that if one wants to drink on Sunday he will do so whether this bill is approved or not. I agree with Mr. Trumbull and Mr. Kelleher that in this time when we are always saying that we are always taking the rights of the voter away from him, if we indefinitely postpone this bill, that is exactly what we are doing.

Let's let the people vote on this issue, and I will vote along to not indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: This beer, liquor and wine to be sold on Sunday has been before us on a good many occasions.

This morning I think that if we deny the people the right to express themselves on this matter we are doing an injustice to them because, after all, if the general public wants to have the sale of beer and wine on Sunday they will accept it; if they do not want it they will reject it. I don't see why we here, the members of this House, should not go along with it, and I therefore will vote in support of this measure.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: As we sit here this morning I have heard a lot of supposition, a lot of guessing, on what is going to occur. But if you read this bill carefully you will find that it is on the home rule concept, and only those places in the State that have voted wet before will have the privilege of voting on this question. That is the gist of this bill as we have it today.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: One of the worst possible things we could do is to pass a bill with this local option. One town would have places to buy beer and wine on Sunday

and all the little towns around it wouldn't have. All the bibbers and winos would have to get into their car and go to that town to get their six-pack and their fifth of wine, and after drinking about half of what they bought they would have to drive home. You want to consider what would happen on the road all Sunday afternoon after they do this all the forenoon.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: Up until January 1 of this year, ever since it became legal in the State of Maine in the thirties, I have been in the beer business either to take out or to drink in, and I feel that this is a very just thing. I feel that you should vote against the motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

Mr. Henley of Norway was granted permission to speak for a third time.

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to merely ask Mr. Maxwell if he feels that he is justified in voting on this. There might be a conflict of interest.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to Mr. Maxwell who may answer if he desires. The Chair recognizes that gentleman.

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps the gentleman didn't understand me. I said as of January 1 of this year I was out of the business. My place is closed and I am retired. Just a few days ago somebody announced my birthday. I wasn't 39; I was 65

actually. So, Ladies and Gentlemen, the small store that does stay open on Sunday should have this privilege. It would cut out a lot of bootlegging, it would stop a lot of taxi drivers from getting rich, and it isn't going to change the amount of beer, ale and wine being sold in the State of Maine too much.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Chick, Churchill, Clark, Crommett, Davis, Deshaies, Dow, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farnham, Finemore, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Kelley, Lawry, Lewis, J.; Littlefield, Lynch, Maddox, Mahany, McNally, McTeague, Morton, Murchison, Palmer, Parks, Shute, Silverman, Smith, D. M.; Stillings, Trask, Walker, White, Willard, Wood, M.E.

NAY — Albert, Ault, Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carey, Chonko, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Drigotas, Dyar, Farley, Faucher, Fecteau, Ferris, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, E.; MacLeod, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Ross, Santoro, Shaw, Sheltra, Simpson, L. E.; Smith, S.; Snowe, Soulas, Susi, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Wheeler, Whitzell.

ABSENT — Carter, Connolly, Donaghy, Farrington, Gauthier, Good, Hamblen, Hancock, Herrick,

Hodgdon, Knight, Norris, Rollins, Sproul, Strout, Talbot, Webber.

Yes, 51; No, 82; Absent, 17.

The SPEAKER: Fifty- one having voted in the affirmative and eighty- two in the negative, with seventeen being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the ninth tabled and today assigned matter:

Bill "An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees" (H. P. 1021) (L. D. 1344)

Tabled — April 9, by Mr. Birt of East Millinocket.

Pending passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Thursday, April 12.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Yesterday in a conversation during the evening with an individual concerned with Mental Health and Corrections, I pieced some of the conversation together and from it I could only deduce that somewhere along the line the individual that was talking to me had to have gotten a hold of a report that this House has paid for, that this House has asked a committee to study and that we yet haven't had. And I was told that the report was flying around all over the state. I would like to ask any member of the Mental Health and Corrections Committee if this is so and if it is so, how did this happen? Who did the work underneath the table and where are the reports?

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: It is an embarrassing situation having to answer Mr. Jalbert. We have assumed legal problems with this

report. The reports have been under safeguard. All reports can be accounted for except for one. Through some dubious means the Department of Mental Health and Corrections of this state took a report, possibly from a member's locker, from his top coat.

This report has been reproduced by the Department of Mental Health and Corrections. It is my understanding that Dr. Albert Anderson in a public meeting last Thursday stated that he had had a copy of the report and that he had had 100 copies reproduced and distributed.

Yesterday afternoon a member of the press came to me asking when the report was coming out. I suggested he go to the Department of Mental Health and Corrections on the fourth floor in the adjacent building, which he did. In five minutes he came back with a copy of the report.

Now a lot of time, work, and energy has gone in on behalf of the committee to come up with these reports. It is a sad state of affairs when a department will handle a matter in the manner in which they did.

I certainly hope the leadership of this body, the Attorney General's office and the staff of the Governor of this state take appropriate actions.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Over the years sometimes when I have taken issue with one of my pet projects like the University of Maine and others, I have been told that I have been on a vendetta. I have been on a vendetta as far as the Department of Mental Health and Corrections quietly for a long time. I served notice at a meeting of the Appropriations Committee that that part was all over, the quiet part. I am working now on a program whereby — and I don't want to serve on it — whereby the appropriate personnel will go through this department with a fine tooth comb. I don't want to use wordage of the vernacular, but I could.

In all the years that I have been a member of this body, I never knew of any department that could come anywhere near — and I am speaking about the administration, I am speaking about the fourth floor across the street — of any department that has been so completely and absolutely mismanaged and should be cleaned out from top to bottom and Dr. Albert Anderson numero uno.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: We have been attacking, and counterattacking a number of departments since we have been here. I agree with some of it. I disagree with some of the remarks that have been made. I do feel very strongly that whenever we discuss departments, we ought to make sure that we are working for the best interests of not only the department but for the patients that are involved at the state hospitals and in the programs that these people are supposed to be serving.

What worries me, frankly, is that in the final analysis that we lose a sense of value as to where we are going and that we make sure that when we leave, and if we leave this place in June, that we have done so and at least made some attempt in preventing — if we think there are abuses in the various departments—preventing that from continuing. But I hope that the final thing that we look at is whether or not people are being served.

My second remark is very simply this: I don't know who got the report, how it has been reproduced but to both the gentleman from Lewiston and the gentleman from Strong, that report got out in other ways than the one which they discussed at least in one or two instances. To blame only one source might be a mistake and I think that we want to perhaps look at that very carefully before we lay all the blame at one location. And at this point I have no intentions of making any myself but I just put that in for the record.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: This morning I think we have heard some statements put on the floor involving individuals back and forth which I don't really feel is probably in the best interest of the integrity of this body and I would ask and urge that all of you in your debate be careful. I think, in how we debate the issues and people who are involved in certain industries and business or professions or what have you.

I just also heard some comments made pertaining to a report. I would tell you right now that I have a copy of that report. The report involves a committee that the House chairman is a member of my party and the report is very far reaching and the gentleman is very sincere in his report and I believe he really feels, as I do, that there are some things in that report that need verification and need further study. And he has come to the leadership with the report, asked us to read it, look it over, give him some advice. He has also sought legal counsel on this particular item.

It does disturb me greatly when I find that the department in this legislature or a department involving the Mental Health and Corrections has seen fit to take the report from wherever they got it, reproduce copies and distribute it at a time when possibly legal action could be brought against two members of this body. I for one do not particularly care for it and I am sure that there will be a leadership meeting, not only the majority party but of the minority party this afternoon to the point that I believe that we should get down to the basics of this thing and that we should have a full accounting of just exactly what took place and how.

Mr. Henley of Norway was granted unanimous consent to address the House.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Sunday morning past a man died at the Maine Medical Center who was a successful attorney in his forties and this ended

a very valiant struggle of his forty-seven years and for six of the forty-seven years, I have been privileged to associate and feel very strongly the loss of this young man.

Why I bring it before this House is that exactly six years ago in this body, I was privileged in presenting a bill before the House and the legislature allowing this young man who had been crippled since seven years old, paralyzed below the waist, lived on crutches, I presented a bill which would allow him to take the bar examination even though he had not had the two years of resident college in law school which is considered necessary by statute.

This young man, then forty-one years old, had gone through high school. He had attended the Conservatory of Music in Boston for four years. He had attended McGill University in Montreal for one year. He had taught music, he had had his own orchestra. But for physical reasons, he could not continue his music. So he took up a job in a radio station and ordered a law course by correspondence. He studied diligently all hours for four years and then I presented this bill to permit him to take the bar exams.

‘ He was forever grateful to that portion of the legislature which was here in the 103rd session who supported it. The entire Judiciary Committee went along with the bill. This young man hanging on crutches, gave his own reasons and his own talk before that committee and I was privileged to stand with him in the Governor’s office when the bill was finally signed. He subsequently passed the bar exams and in four short years of practice was able to gain the love, the esteem, and the high estimation of everyone he had in contact in his area.

It is indeed a loss to the community and to the State of Maine, his passing on Sunday morning. The only bright part that I can see about it is that for four years, Dick Dean Seguin had accomplished his lifelong purpose and desire to become an attorney.

In closing, the ray of benefit that I derive from it is my six years

of association with Dick Dean, as we knew him, and the fact that in a small way I was able to aid him in reaching his goal.

His indomitable spirit and his drive should be and can be a shining example of what we can do, regardless of handicaps, in this great country of ours.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, on item 8 on page 10, An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption, I would move reconsideration whereby we passed this bill to be enacted and I would certainly hope you would vote against my motion.

The SPEAKER: The Chair would inquire if the gentleman voted on the prevailing side.

Mr. CAREY: Mr. Speaker, I certainly did.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House reconsider its action of earlier in the day whereby this Bill was passed to be enacted.

Thereupon, Mr. Henley of Norway requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House reconsider its action of earlier in the day whereby Bill “An Act to Permit members present and voting. All the Sale of Beer and Table Wine on Sunday for Off-premise Consumption,” House Paper 184, L. D. 226, was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

**ROLL CALL**

**YEA** — Baker, Berry, G.W.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Churchill, Clark, Dam, Deshaies, Dunleavy, Dunn, Emery, D.F.; Finemore, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Lawry, Littlefield, Lynch, McNally, Morton, Murchison, Shaw, Shute, Stillings, Trask, Walker, Willard, Wood, M.E.

**NAY**—Ault, Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carey, Carter, Chick, Chonko, Conley, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, K.; Greenlaw, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rickert, Rolde, Santoro, Sheltra, Smith, D.M.; Snowe, Soulas, Susi, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Wheeler, Whitzell.

**ABSENT**—Albert, Connolly, Cooney, Crommett, Curran, Davis, Donaghy, Dudley, Gauthier, Good, Goodwin, H.; Hamblen, Hancock, Herrick, Hodgdon, Keyte, Knight,

Mahany, McMahon, Parks, Rollins, Ross, Silverman, Simpson, L.E.; Smith, S.; Sproul, Strout, Talbot, Webber, White.

Yes, 37; No, 83; Absent, 30.

**The SPEAKER:** Thirty-seven having voted in the affirmative and eighty-three in the negative, with thirty being absent, the motion to reconsider does not prevail.

Mr. Binnette, of Old Town was granted unanimous consent to address the House.

**Mr. BINNETTE:** Mr. Speaker and Ladies and Gentlemen of the House: After hearing the remarks from our majority leader and also from our minority leader and from several members of this House in regard to the actions of one of these departments, I have been here a number of years, I have served on the Health and Institutional Services Committee, I think it is a sorry state of affairs to have a thing like this develop, especially when we as members of the legislature should be controlling these departments and not let the departments control us. It puts us in a bad light with the general public, and I certainly hope that something will be done to correct the situation.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.